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Filing date: **06/01/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91174641
Party	Defendant PLMIC, LLC
Correspondence Address	EDWARD HAFFER SHEEHAN PHINNEY BASS & GREEN P.A. 1000 ELM STREET, P.O. BOX 3701 MANCHESTER, NH 03105-3701 UNITED STATES ipadm@sheehan.com, ehaffer@sheehan.com
Submission	Motion to Amend Application
Filer's Name	Edward A. Haffer
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Date	06/01/2009
Attachments	09-06-01 mtn amend.pdf (2 pages)(80246 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**PARAMETRIC TECHNOLOGY CORPORATION,
Opposer**

v.

**PLMIC, LLC,
Applicant**

Opp. No. 91174641

**PLMIC, LLC,
Opposer**

v.

**PARAMETRIC TECHNOLOGY CORPORATION,
Applicant**

Opp. No. 91177168

MOTION TO AMEND APPLICATION

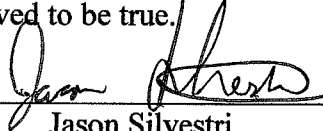
For the reasons stated in its Brief, which is incorporated herein by reference, PLMIC, LLC respectfully moves to amend its Application to state that its first use and first use-in-commerce dates for the mark FLEXPLM were at least as early as March 31, 2005. *See* TMEP §§903.05 and 1504.02; TBMP §§514.01 and 514.03. Since March 31, 2005 precedes the filing date of March 13, 2006, the Application may properly remain a Use Application under §1(a).

Given the position of Parametric Technology Corporation on the merits, it obviously does not consent to the granting of this Motion. The issue itself, however, is being tried by the consent of the parties pursuant to Fed. R. Civ. P. 15(b), as reflected by motions thereunder filed by both parties.

WHEREFORE, PLMIC, LLC respectfully requests that the Board grant this Motion or grant such other relief as is just.

DECLARATION

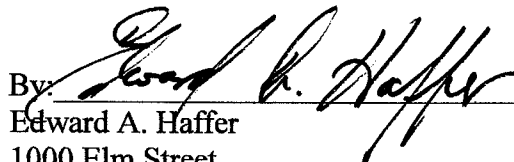
The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statement made of his own knowledge are true; and all statements made on information and belief are believed to be true.



Jason Silvestri
Managing Member, PLMIC, LLC
Dated: May 30 / 2009

Respectfully submitted,
PLMIC, LLC,
By its attorneys,
Sheehan Phinney Bass & Green, P.A.

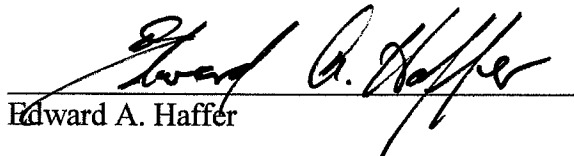
Dated: June 1, 2009



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed on June 1, 2009 to Thomas V. Smurzynski, Esq., Lahive & Cockfield, LLP, One Post Office Square, Boston, MA 02109.


Edward A. Haffer